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JFL/FC: USAO 2012R00038

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

ANTHONY McINTOSH,

Defendant

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CRIMINAL NO.

JFM 12 CR0039

(Deprivation of Civil Rights, 18 U.S.C.
§ 242; Falsification of Records in
Federal Investigation, 18 U.S.C. § 1519)

INDICTMENT

COUNT ONE

The Grand Jury for the District of Maryland charges that:

Introduction

At all times relevant to this Indictment:

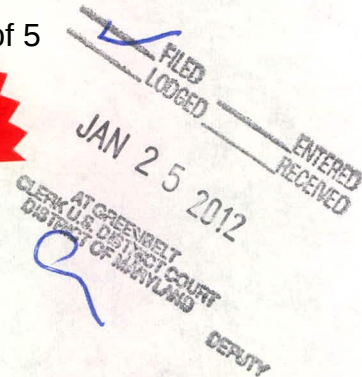
1. Defendant **ANTHONY McINTOSH** was a corporal with Prince George's County Department of Corrections ("PGDOC").
2. Corporal R. D. was an officer with PGDOC.
3. R. W. was a pretrial detainee being housed by PGDOC.

The Charge

4. On or about June 29, 2008, in the District of Maryland, the defendant,

ANTHONY McINTOSH,

while acting under color of law, willfully deprived R. W. of his right, protected and secured by the Constitution and the laws of the United States, to due process of law, which includes a pretrial detainee's right to be free from a correctional officer's deliberate indifference to his serious medical needs. Specifically, defendant **McINTOSH** discovered R. W. in his cell, unresponsive and in



apparent need of emergency medical care, and walked away without providing medical care or notifying PGDOC personnel of the emergency, thereby acting with deliberate indifference to a substantial risk of harm to R. W., and resulting in bodily injury to, and the death of, R. W.

18 U.S.C. § 242

COUNT TWO

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 3 of Count One are incorporated here.
2. On or about June 29, 2008, in the District of Maryland, the defendant,

ANTHONY McINTOSH,

acting in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation (FBI), an agency of the United States, knowingly concealed, covered up, falsified, and made a false entry in a record and document with the intent to impede, obstruct, and influence the investigation and proper administration of the matter within the jurisdiction of a federal agency, namely the FBI, in that defendant **McINTOSH** wrote a PGDOC Incident Report that concealed material facts regarding the circumstances surrounding his discovery of, and response to, R. W.'s medical emergency. Specifically, defendant **McINTOSH** stated in his report that Corporal R. D. informed him that R. W. was unresponsive in his cell, but omitted that defendant **McINTOSH** had previously discovered R. W. unresponsive and in apparent need of emergency medical attention, and that defendant **McINTOSH** had left R. W. without notifying anyone or providing for emergency medical attention.

18 U.S.C. § 1519

COUNT THREE

The Grand Jury for the District of Maryland further charges that:

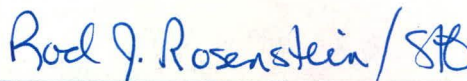
1. Paragraphs 1 through 3 of Count One are incorporated here.
2. On or about June 29, 2008, in the District of Maryland, the defendant,

ANTHONY McINTOSH,

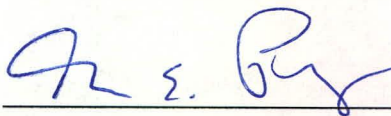
acting in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation (FBI), an agency of the United States, knowingly concealed, covered up, falsified, and made a false entry in a record and document with the intent to impede, obstruct, and influence the investigation and proper administration of the matter within the jurisdiction of a federal agency, namely the FBI, in that defendant **McINTOSH** provided a Prince George's County Police Department detective investigating R. W.'s death with a statement that falsely described the circumstances surrounding defendant **McINTOSH's** discovery of, and response to, R. W.'s medical emergency. Specifically, defendant **McINTOSH** endorsed a statement falsely claiming that he did not know what was going on when Corporal R. D. advised him that R. W. was unresponsive. Defendant **McINTOSH** omitted from his statement that, even before Corporal R. D. found R. W. unresponsive, defendant **McINTOSH** already had found R. W. unresponsive and in apparent need of emergency medical attention.

Defendant **McINTOSH** also falsely claimed in his statement that he did not move R. W., and defendant **McINTOSH** omitted from his statement that he had failed to notify other PGDOC personnel that R. W. was suffering an apparent medical emergency.

18 U.S.C. § 1519



Rod J. Rosenstein
United States Attorney



Thomas E. Perez
Assistant Attorney General
Civil Rights Division

A TRUE BILL:

SIGNATURE REDACTED

Foreperson

Date: January 25, 2012